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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,398	10/17/2001	Paul Zielinski	2001P11277 US01	7669

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Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/08/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,398

Applicant(s)

ZIELINSKI ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17-19 and 22 is/are allowed.
6) ☒ Claim(s) 1-9, 11-16, 20 and 21 is/are rejected.
7) ☒ Claim(s) 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-9, 11-16, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kiyoshi Ono et al* (EP 0667585 A1).**

Claims 1, 8 and 13:

Ono discloses a graphical user interface that enables users to create a predicate (expression) for searching for data and apply the expression to a database containing searchable objects (abstract; col. 3, lines 5-13, 52-58). Ono shows (fig. 1) a system having processor 11 (CPU), a database system

12, a predicate manipulation system 20 (expression processor), and an application program 18 (section to place application programs executed by the CPU), (col. 7, lines 51-58; col. 8, lines 1-19). Ono teaches user selectable data items for incorporation in a user-entered expression or for excluding user of another data item (search items). The interface has icons that can be used to represent an expression (col. 8, lines 21-50). Data from a particular application is used in resolving a resultant expression to provide a result (col. 4, lines 4-20; col. 5, lines 3-58).

Claim 2:

See claim 1. Ono teaches a resultant expression to provide a result comprising verification that the expression is true (col. 17, lines 1-27; col. 19, lines 24-47).

Claim 3:

See claim 1. Ono teaches an expression that provides search parameters for use in identifying records (search items) in a record database. Ono teaches a database system that stores a plurality of object to be searched such as files consisting of text, name files, and multimedia data such as images, and can be accessed by the application program (col. 8, lines 2-6).

Art Unit: 2173

Claim 4:

Ono teaches an expression comprising algebraic an expression including one or more operators including multiplication, division, addition, and subtraction operators (col. 3, lines 5-13, 40-48).

Claim 5:

Ono teaches that database associates a data item with an acceptable value and range of values (col. 15, lines 11-17; col. 16, lines 56-57; col. 17, lines 1-34).

Claim 6:

Ono teaches the database associates application type indicators with different applications (col. 11, lines 46-58; col. 12, lines 1-12).

Claim 7:

Ono teaches an expression processor that updates the database to associate the resultant expression with a particular application (col. 19, lines 52-58; col. 20, lines 1-18).

Claim 9:

Ono teaches an application program 18 that is a collection of programs executed by the CPU. The application program includes application programs that access the database system and process data stored therein such as data search, data compression, and data conversion

(includes a program that translates source code into object code before execution of the program), (col. 10, lines 54-58; col. 11, lines 1-4).

Claim 11:

See claims 1 and 4. Ono teaches a database that associates a particular procedure (performs an operation) of an application with a particular data item and excludes use (NOT operator) by the procedure of another data item and the resultant expression is used by the procedure (col. 18, lines 56-58; col. 19, lines 1-10, 24-44).

Claims 12, 14, 15:

See claims 1 and 4. Ono teaches an interface that allows users to select objects to create an expression. Ono teaches a database that stores data items that can be selected by the user to form an expression wherein the database associates these items with a specific application. Ono teaches a user can drag and drop data items in a template to build the expression and the database associates a plurality of expressions with a particular application (col. 1, lines 45-58; col. 2, lines 1-27).

Claim 16:

Ono teaches a predicate creation system and a Window Manager having a window, menu, and icons, for enabling the user to create an expression (col. 8, lines 21-50; col. 13, lines 29-55).

Allowable Subject Matter

4. Claims 17-19 and 22 are allowed.
5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record fails to teach a system that supports use of user customizable expressions by various different executable applications; the system having a database for associating a particular application with the user entered expression and for associating a version identifier with the expression, and an execution processor using the version identifier to identify the latest version of an entered expression and for processing the particular application with the latest version of the entered expression to provide executable code representative of the particular application.

Ono (EP 0667585 A1) discloses a database for storing a plurality of objects to be searched that can be accessed by the application program; and a processor to execute the various application programs. Ono teaches that predicates can be identified by displaying a panel on the desktop to enable the user to input a desired value in an attribute field of the panel; then the

panel to be applied to the file search includes attribute fields in which various file attributes such as file name, file type, creation time, and most recent update time are input. Ono fails to teach or suggest a version identifier for associating with an expression, which is used to identify the latest version of an entered expression and processing a particular application with the latest version of the entered expression and provide executable code to represent the particular application.

Conclusion

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach user interfaces that enable users to create expressions.

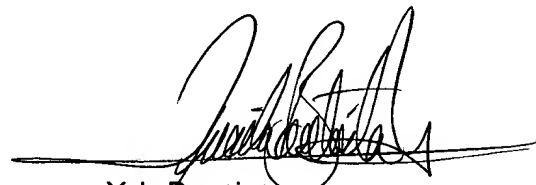
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116.

Art Unit: 2173

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Patent Examiner
Art Unit 2173

xlb
June 1, 2004